



Senate Bill No. 964

Public Act No. 09-68

AN ACT CONCERNING THE CONNECTICUT ANTITRUST ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 35-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) Whenever the Attorney General, his or her deputy [,] or any assistant attorney general designated by the Attorney General, has reason to believe that any person has violated any of the provisions of this chapter, he or she may, prior to instituting any action or proceeding against such person, issue in writing and cause to be served upon any person, by subpoena duces tecum, a demand requiring such person to submit to him or her documentary material relevant to the scope of the alleged violation. For the purposes of this section, "documentary material" includes, but is not limited to, any information in a written, recorded or electronic form.

(b) Such demand shall (1) state the nature of the alleged violation, [and] (2) describe the class or classes of documentary material to be reproduced thereunder with such definiteness and certainty as to be accurately identified, and (3) prescribe a date which would allow a reasonable time to assemble such [documents] documentary material for compliance.

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(c) (1) All [documents] documentary material furnished to the Attorney General, his or her deputy [,] or any assistant attorney general designated by the Attorney General, pursuant to a demand issued under subsection (a) of this section, shall be held in the custody of the Attorney General, or [his] the Attorney General's designee, and shall not be available to the public. [, and] Such documentary material shall be returned to the person [at] furnishing such documentary material upon the termination of the [attorney general's] Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

(2) All documentary material or other information furnished voluntarily to the Attorney General, his or her deputy or any assistant attorney general designated by the Attorney General, for suspected violations of the provisions of this chapter, and the identity of the person furnishing such documentary material or other information, shall be held in the custody of the Attorney General, or the Attorney General's designee, and shall not be available to the public. Such documentary material or other information shall be returned to the person furnishing such documentary material or other information upon the termination of the Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

(d) No such demand shall require the submission of any documentary material, the contents of which would be privileged, or precluded from disclosure if demanded in a grand jury investigation.

(e) The Attorney General, his or her deputy [,] or any assistant attorney general designated by the Attorney General, may during the course of an investigation of any violations of the provisions of this chapter by any person (1) issue in writing and cause to be served upon any person, by subpoena, a demand that such person appear before him or her and give testimony as to any matters relevant to the scope of the alleged violations. Such appearance shall be under oath and a

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written transcript made of the same, a copy of which shall be furnished to [said] such person appearing, and shall not be available for public disclosure; and (2) issue written interrogatories prescribing a return date which would allow a reasonable time to respond, which responses shall be under oath and shall not be available for public disclosure.

(f) In the event any person [shall fail] fails to comply with the provisions of this section, (1) the Attorney General, his or her deputy [,] or any assistant attorney general designated by the Attorney General, may apply to the superior court for the judicial district of Hartford for compliance, which court may, upon notice to such person, issue an order requiring such compliance, which shall be served upon such person; (2) the Attorney General, his or her deputy [,] or any assistant attorney general designated by the Attorney General, may also apply to the superior court for the judicial district of Hartford for an order, which court may, after notice to such person and hearing thereon, issue an order requiring the payment of civil penalties to the state in an amount not to exceed [five hundred] two thousand dollars.

(g) The Attorney General shall cooperate with officials of the federal government and the several states, including but not limited to the sharing and disclosure of information and evidence obtained under the purview of this chapter.

(h) Service of subpoenas ad testificandum, subpoenas duces tecum, notices of deposition [,] and written interrogatories, as provided [herein] in this section, may be made by: (1) Personal service or service at the usual place of abode; or (2) [by] registered or certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at [his] such person's principal place of business in this state, or, if [said] such person has no principal place of business in this state, [to his] at such person's principal office [,] or [to his] such person's residence.

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Sec. 2. Section 35-38 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

In any action instituted by the Attorney General, any individual who has been held to have violated this chapter shall forfeit and pay to the state a civil penalty of not more than [twenty-five] one hundred thousand dollars. Any other person who has been held to have violated any of the provisions of this chapter shall forfeit and pay to the state a civil penalty of not more than [two hundred fifty thousand] one million dollars.

Approved May 27, 2009